

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NATHAN SWEGER,

Plaintiff,

v.

KILOLO KIJAKAZI,  
*Acting Commissioner of Social  
Security,*

Defendant.

No. 1:22-CV-02051

(Chief Judge Brann)

(Magistrate Judge Carlson)

**ORDER**

**AUGUST 15, 2023**

Nathan Sweger filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Sweger’s claim for supplemental security income.<sup>1</sup> In July 2023, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.<sup>2</sup>

Sweger filed timely objections to the Report and Recommendation.<sup>3</sup> In his objections, Sweger contends that Magistrate Judge Carlson erred in concluding that the administrative law judge’s decision was supported by substantial evidence because: (1) Sweger’s treating physician’s opinion was not undercut by his treatment

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<sup>1</sup> Docs. 1, 9.

<sup>2</sup> Doc. 12.

<sup>3</sup> Doc. 13.

notes; (2) Magistrate Judge Carlson failed to explain how unremarkable mental findings were inconsistent with the treating physician's opinion; (3) treatment notes that discuss Sweger's condition on certain days do not indicate that he is not disabled, as Sweger's conditions wax and wane; (4) that Sweger was stable on medication does not indicate that he is capable of fulltime employment; and (5) simply because Sweger's mental impairments were treated only with medication does not mean that he is not disabled.<sup>4</sup>

“If a party objects timely to a magistrate judge's report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”<sup>5</sup> Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge's findings or recommendations.<sup>6</sup>

Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Carlson's conclusion that the Commissioner's decision is supported by substantial evidence. Although Sweger disputes some of Magistrate Judge Carlson's conclusions, Magistrate Judge Carlson correctly determined that, as a whole,

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<sup>4</sup> *Id.*

<sup>5</sup> *Equal Emp't Opportunity Comm'n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

<sup>6</sup> 28 U.S.C. § 636(b)(1); Local Rule 72.31.

substantial evidence supports the Commissioner's decision.<sup>7</sup> Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson's Report and Recommendation (Doc. 12) is **ADOPTED**;
2. The Commissioner's decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Sweger pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);  
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann  
Chief United States District Judge

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<sup>7</sup> Although Sweger correctly notes that stability with treatment and methods of treatment cannot alone definitively indicate that he is not disabled, the ALJ properly accounted for these factors as a part of the overall record.